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TFW 1633

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/831,272
Filing Date	August 31, 2001
First Named Inventor	Christopher KIRCH
Art Unit	1633
Examiner Name	Marvich, Maria
Attorney Docket Number	9730-1

**ENCLOSURES (Check all that apply)**

- |  |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Copy of Foreign Reference; and<br>Return Receipt Postcard |
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**Remarks**

The Commissioner is authorized to charge any fee deficiencies to Deposit Account No. 50-0951

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Nicholas Zachariades Reg. No. 56,712
Signature	<i>N Zachariades</i>
Date	May 5, 2006

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Typed or printed name	Nicholas Zachariades, Reg. No. 56,712
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Signature

*N Zachariades*

Date

May 5, 2006

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Christopher KIRCH et al.

Application No.: 09/831,272

Examiner: Marvich, Maria

Date Filed: August 31, 2001

Group: 1633

For: **CHIMERIC PROMOTERS CAPABLE OF MEDIATING GENE EXPRESSION  
IN PLANTS UPON PATHOGEN INJECTION AND USES THEREOF**

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Nicholas Zachariades, Registration No. 56,712

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicant hereby notifies the U.S. Patent Office of the documents listed on the attached Form PTO/SB/08A.

Copies of the foreign patent references are enclosed.

Applicant certifies that each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

Submission of the listed documents is not intended as an admission that such documents constitute prior art against the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed documents as competent references against the present application. Applicant submits that the present invention is patentable over the cited references. No fee is believed due however, the Commissioner is authorized to charge any fee deficiencies to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT

Date: May 5, 2006



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Docket No. 9730-1

MAY 09 2006

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	2
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**Complete if Known**

Application Number	09/831,272
Filing Date	August 31, 2001
First Named Inventor	Christopher KIRCH
Art Unit	1633
Examiner Name	Marvich, Maria
Attorney Docket Number	9730-1

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
		WO 98/03536 A1	01-29-1998	Novartis Corporation		
		WO 95/03690 A1	02-09-1995	Virginia Tech Intellectual Properties Inc		
		WO 96/36697 A1	11-21-1996	Board of Trustees of the University of Kentucky		
		WO 96/28561 A1	09-19-1996	Max-Planck-Gesellschaft		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/831,272
		Filing Date	August 31, 2001
		First Named Inventor	Christopher KIRCH
		Art Unit	1633
		Examiner Name	Marvich, Maria
Sheet 2	of 2	Attorney Docket Number	9730-1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Van De Loch, U. et al. "A 125 bp promoter fragment is sufficient for strong elicitor-mediated gene activation in parsley", 1990, The EMBO Journal, 9(9):2945-2950	
		Raventos, D. et al. "A 20 bp cis-acting element is both necessary and sufficient to mediate elicitor response of a maize PRms gene", 1995, The Plant Journal, 7(1):147-155	
		Rushton, P. et al. "Interaction of elicitor-induced DNA-binding proteins with elicitor response elements in the promoters of parsley PR1 genes", 1996, The EMBO Journal, 15(20):5690-5700	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.99. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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